

ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
CHRISTA M. ANDERSON (SBN 184325)
canderson@kvn.com
KEKER & VAN NEST LLP
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

KING & SPALDING LLP
DONALD F. ZIMMER, JR. - #112279
fzimmer@kslaw.com
CHERYL A. SABNIS - #224323
csabnis@kslaw.com
101 Second Street, Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

Attorneys for Defendant
GOOGLE INC.

KING & SPALDING LLP
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
sweingaertner@kslaw.com
ROBERT F. PERRY
rperry@kslaw.com
BRUCE W. BABER (*Pro Hac Vice*)
bbaber@kslaw.com
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

GREENBERG TRAURIG, LLP
IAN C. BALLON - #141819
ballon@gtlaw.com
HEATHER MEEKER - #172148
meekerh@gtlaw.com
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF BRIAN C. BANNER
IN SUPPORT OF DEFENDANT GOOGLE
INC.S' SECOND MOTION TO STRIKE
PORTIONS OF THE MITCHELL
PATENT REPORT**

Date: October 13, 2011
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 31, 2011

1
2 I, BRIAN C. BANNER, declare as follows:

3 1. I am an associate in the law firm of King & Spalding LLP, counsel for defendant
4 Google Inc. ("Google") in this case. I submit this declaration in support of Google's Notice of
5 Motion and Second Motion To Strike Portions of Mitchell Patent Report. I make this declaration
6 based on my own personal knowledge. If called as a witness, I could and would testify
7 competently to the matters set forth herein.

8 2. Attached to this declaration as Exhibit A is a true and correct copy of the cover
9 page, pages 2, 21-22, 24, 212-13, 221-23, 226-28, 252-57, 261, 277, 301-06, 313-15, 338-39,
10 362-65 and 382-84 from the August 8, 2011 *Opening Expert Report of John C. Mitchell*
11 *Regarding Patent Infringement Submitted on Behalf of Plaintiff Oracle America, Inc.* A
12 confidentiality designation has been removed from the cover page because confidential
13 information is not included in the excerpts included in Exhibit A.

14 3. Attached to this declaration as Exhibit B is a true and correct copy of the cover
15 page, pages 38-40, 45-47 and 50 from the September 1, 2011 *Reply Expert Report of John C.*
16 *Mitchell Regarding Patent Infringement Submitted on Behalf of Plaintiff Oracle America, Inc.* A
17 confidentiality designation has been removed from the cover page because confidential
18 information is not included in the excerpts included in Exhibit B.

19 4. Attached to this declaration as Exhibit C is a true and correct copy of pages 13-20
20 and 32-39 from the infringement claim chart on the '720 patent, which was attached as Exhibit G
21 to Oracle's Second Supplemental Patent Local Rule 3-1 Disclosure of Asserted Claims and
22 Infringement Contentions, served on April 1, 2011.

23 5. Attached to this declaration as Exhibit D is a true and correct copy of pages 11-21
24 and 37-38 from the infringement claim chart on the '447 patent, which was attached as Exhibit D
25 to Oracle's Second Supplemental Patent Local Rule 3-1 Disclosure of Asserted Claims and
26 Infringement Contentions, served on April 1, 2011.

27 6. Attached to this declaration as Exhibit E is a true and correct copy of pages 11-30
28

1 from the infringement claim chart on the '520 patent, which was attached as Exhibit F to
2 Oracle's Second Supplemental Patent Local Rule 3-1 Disclosure of Asserted Claims and
3 Infringement Contentions, served on April 1, 2011.

4
5 I declare under penalty of perjury that all the foregoing facts are true and correct and that
6 this declaration was executed on September 29, 2011 in Austin, Texas.

7 /s/ Brian C. Banner /s/

8 Brian C. Banner

9
10 I hereby attest that Brian C. Banner concurs in the e-filing of this document.

11
12 /s/ Cheryl Sabnis /s/

13 Cheryl Sabnis
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28